



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Keisha Gifford
Management Specialist (M0561B),
Newark

CSC Docket No. 2021-825

Examination Appeal

ISSUED: MARCH 26, 2021 (RE)

Keisha Gifford appeals the decision of the Division of Agency Services (Agency Services) that, per the substitution clause for education, she does not meet the experience requirements for the open competitive examination for Management Specialist (M0561B), Newark.

The subject examination announcement was issued with a closing date of August 21, 2020 and was open to residents of Newark and New Jersey who met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor’s degree, and two years of experience in the review, analysis, and evaluation of budget, organization, and administrative practices and recommending improved methods, and/or administrative experience in varied phases of business, industrial, or government involving the organization, direction, planning, coordination, or control of programs or activities. Applicants who did not meet the educational requirement could substitute additional experience as described on a year-for-year basis with thirty semester hour credits being equal to one year of experience. The appellant was found to be below minimum requirements in experience per the substitution clause for education. There are 46 admitted applicants and the examination has not yet been held.

On her application, the appellant indicated possession of 84 college credits, which prorates to two years, nine months of experience, and she listed the following positions: provisional Management Specialist from September 2019 to August 2020, Coordinator from January 2014 to September 2019, Clerk from January 2000 to January 2014, and Community Aide/Personal Aide from April 1998 to January 2000.

Official records indicate a different employment history. These records indicate that the appellant was a Clerk 3 from January 2014 to September 2019, Keyboarding Clerk 1 from January 2000 to January 2014, and Community Aide Schools/Teacher Aide from September 1999 to January 2000, and a Teacher Aide from April 1998 to September 1999. None of her experience was accepted, and the appellant was found to be lacking three years, three months of required experience per the substitution clause for education.

On appeal, the appellant explains that she now has 111 college credits and is currently enrolled in three classes. She outlines her duties performed in her various positions. She provides a summary of her experience, and she provides multiple titles for each set of duties. The appellant claims she was working out-of-title, and performing professional level duties for each, and indicates that she performed Management Specialist duties since January 2001.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 states that applicants for promotional examinations must meet all requirements by the announced closing date.

At the outset, it is noted that titles are categorized as professional, para-professional or non-professional. *N.J.A.C.* 4A:4-2.5(a)1 states that professional titles require at least a Bachelor's or higher level degree, with or without a clause to substitute experience. Thus, since the Management Specialist title requires completion of a Bachelor's degree with a substitution clause, which permits additional experience in lieu of the college credits, as well as one year of relevant experience, it is considered a professional title.

The appellant's prior held titles do not require a Bachelor's degree and therefore are not professional titles. *N.J.A.C.* 4A:4-2.5(a)3 states that non-professional titles require less than 60 college credits or less than 12 specific college credits, while *N.J.A.C.* 4A:4-2.5(a)2 states that para-professional titles require at least 60 general college credits or 12 or more specific college credits (but less than a full degree). As such, the titles Clerk 3, Keyboarding Clerk 1, Community Aide Schools/Teacher Aide, and Teacher Aide are considered non-professional titles, since they do not require completion of any college credits. When a promotion would be between the above noted categories, *N.J.A.C.* 4A:4-2.5(c)2 permits the examination to be open to applicants who are permanent in an approved bridge title(s) and/or applicants who meet the complete open competitive requirements. There is no bridge title for Management Specialist, and the appellant is required to meet the open competitive requirements. In addition to the requirement of a Bachelor's degree, professional work is basically interpretive, evaluative, analytical and/or creative requiring knowledge or expertise in a specialized field of knowledge. This is generally acquired by a course of intellectual or technical instruction, study and/or research. *See In the Matter of Lewis Gordon* (Commissioner of Personnel, decided September

27, 1997). Experience acquired in para-professional or non-professional titles does not technically satisfy the requirements for eligibility in higher level category titles. *See In the Matter of Irma Camilo* (MSB, decided February 9, 2005).

When an applicant indicates extensive experience in titles established under the State Classification Plan, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. In the eligibility screening process, reliance on the job specifications to determine the primary focus of duties for incumbents of a particular title or title series provides a standardized basis on which Agency Services can compare what an applicant indicates on his or her application to what incumbents in a particular title series generally perform. In order to maintain the integrity of the State Classification Plan, Agency Services cannot simply accept *carte blanche* how an applicant describes his or her experience when such a barometer exists. In this regard, it is noted that *N.J.A.C. 4A:3-3.4* contemplates that employees are appointed to a title appropriate to the duties to be performed in the title and will not be assigned duties other than those properly pertaining to the assigned title which the employee holds. *See In the Matter of William Moore* (MSB, decided May 10, 2006).

On appeal, the appellant maintains that she performed duties matching the experience requirements of Management Specialist while in the titles Clerk 3 and Keyboarding Clerk 1, managing budgets, preparing reports and a spending analysis, and assisting with budget preparation and planning. In this regard, the duties listed on appeal are not similar to the announced experience requirements. Also, each position can only have one primary focus. While there may be a few duties which fall under the Management Specialist experience requirement, the majority of duties listed on her application for her provisional position are clerical and technical in nature. She was clearly not involved in the review, analysis, and evaluation of budget, organization, and administrative practices and recommending improved methods, or administrative experience involving the organization, direction, planning, coordination, or control of programs or activities. On her application, the appellant indicated duties in her provisional position as: supervising attendance staff, visiting the court house, managing the budget and payroll, providing transcripts, updating records, reviewing enrollment paperwork twice a year, recordkeeping, assisting clerical staff, and serving on a committee regarding student assistance and vendors. These duties do not match the announced requirements.

An independent review of all material presented indicates that the decision of the Division of Agency Services that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 24TH DAY OF MARCH, 2021

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